

NOV 13 2006

Application No. 10/656,057
Attorney Docket: RD8350USNA**REMARKS/ ARGUMENTS**

Claims 1-5 are currently pending. Claim 6 has been withdrawn. Claim 1 has been amended to more clearly set forth the subject matter of the invention. The amendment of claim 1 is supported in the specification at page 4, lines 22-24 and FIG. 2A.

Rejection under 35 U.S.C. § 103

Claims 1-3 and 5 have been rejected as unpatentable over U.S. Patent No. 6,235,390 to Schwinn et al. ("Schwinn.") Applicants submit that the amendment of claim 1 obviates these rejections.

Schwinn fails to teach every element of the present claims and as such fails to establish a *prima facie* case of obviousness. Specifically, Schwinn fails to teach the use of a polyamide polymer flake having an RV in the range of 36-38, fails to teach the formation of a continuous filament of polyamide polymer with a yarn RV of about 51 to 54, and fails to teach the step of adding water vapor to a purge gas.

Schwinn teaches the use of a polyamide polymer flake having an RV in the range of about 40 to about 60 for introduction to an SPP process to achieve an RV in the range of 90 to 120. The present invention is characterized by a starting RV of 36 to 38. After processing the polymer flake according to the SPP steps of the present invention, this originally 36 to 38 RV flake has an RV in the range of 50 to 53 (see in the Specification on page 4, line 34). After submitting this "post-SPP" processed polymer flake to a melt spinning process, the measured RV of yarns is about one RV unit increased or a range of 51 to 54 (see in the Specification on page 5, line 12);. Such an RV range is within that range of RV from which the Schwinn et al. SPP process commences (see Schwinn et al., Column 7, lines 30-31).

Furthermore, Schwinn fails to provide any teaching of humidifying the purge gas prior to introduction to an SPP apparatus. To the contrary, not only does Schwinn exclude a purge gas humidifying step, Schwinn also teaches the use of a very low dew point temperature circulating gas in the SPP vessel, no more than about 20°C but as low as -20°C. In other words, Schwinn rigorously avoids water vapor, as measured by dew point temperature, in the treatment vessel.

Applicants respectfully disagree with the Examiner's characterization of the presence of water vapor in the purge gas of Schwinn as being a "humidified" gas. The term "humidify" does

not mean the mere presence of water vapor. The term "humidify" has a distinct meaning, not only in the art, but also in general usage, and is not the equivalent of the term "humidity".

The term humidity does refer to the presence of water vapor. For example, humidity may be either high (having an increased amount of water vapor) or low (having little water vapor). This is distinguished from the use of the term "humidify" which means to make humid. "Humid" is defined by the Merriam-Webster Online dictionary as "containing or characterized by perceptible moisture especially to the point of being oppressive." Clearly, this is not merely the presence of water vapor, but the presence of a significantly and perceptibly high amount of water vapor.

Schwinn fails to include the step of humidifying the purge gas in addition to purposefully minimizing the amount of water vapor present in the purge gas. Therefore, Schwinn not only fails to establish a *prima facie* case of obviousness for failing to disclose every element of the present claims, but also teaches away from the present invention. Accordingly, reconsideration and withdrawal of the rejections of claims 1-3 and 5 are appropriate and respectfully requested.

Claim 4 has been rejected under 35 U.S.C. §103(a) as unpatentable over Schwinn in view of U.S. patent No. 4,034,034 to Eberius ("Eberius") or in the alternative over Schwinn in view of Fourné (Synthetic Fibers, p.359). Each of Eberius and Fourné are cited to show additional features of dependent claim 4, and do not overcome any of the deficiencies of Schwinn in establishing a *prima facie* case of obviousness. Therefore, reconsideration and withdrawal of the rejection of claim 4 is respectfully requested.

NOV. 13. 2006 2:23PM

INVISTA

RECEIVED
CENTRAL FAX CENTER

NOV 13 2006

NO. 187 P. 9

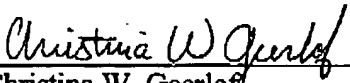
Application No. 10/656,057
Attorney Docket: RD8350USNA

CONCLUSION

For the reasons stated above, claims 1-5 are believed to be in condition for allowance. Accordingly, Applicants respectfully request that the Application be allowed. If prosecution may be further advanced, the Examiner is invited to telephone the undersigned to discuss this application.

Date: 11-13-06

Respectfully submitted,


Christina W. Geerlof
Attorney for Applicants
Registration No.: 45,690
Telephone: 302 683-3314
Facsimile: 302 683-3473